

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

Elizabeth Swirka

v.

Civil No. 18-cv-854-JD

Liberty Mutual Insurance  
Company

O R D E R

Liberty Mutual Insurance Company moves, with Elizabeth Swirka's assent, to amend its notice of removal to show that subject matter jurisdiction is based on diversity of citizenship under 28 U.S.C. § 1332. In support, Liberty Mutual represents that the notice it filed had a "typographical error" in the first line that cited 28 U.S.C. § 1331 as the basis for subject matter jurisdiction, when it should have cited § 1332. In addition, Liberty Mutual states that the notice refers to the District of Massachusetts in paragraph 14, when the correct district is the District of New Hampshire. Because of those errors, Liberty seeks leave to amend the notice of removal, without changing the date of removal. Swirka assents to the motion.

In this district, "[a] party who moves to amend a filing shall (i) attach the proposed amended filing to the motion to amend." LR 15.1(a). Liberty Mutual attached a copy of the original notice of removal, which includes the original

docketing notations at the top of each page, with handwritten corrections inserted. Presumably, Liberty Mutual does not intend to file that version of the amended notice of appeal. Therefore, it appears that Liberty Mutual did not attach the proposed amended filing as is required under Local Rule 15.1(a).

Conclusion

For the foregoing reasons, the assented-to motion to amend the notice of removal (document no. 15) is denied without prejudice to filing a motion to amend that complies with Local Rule 15.1(a).

SO ORDERED.

  
Joseph A. DiClerico, Jr.  
United States District Judge

November 29, 2018

cc: Nancy Richards-Stower, Esq.  
Danielle Y. Vanderzanden, Esq.